

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	Cause No. 4:17CR0556
)	
MARLON CALDWELL)	
)	
Defendant.)	
)	

**REQUEST FOR LEAVE TO FILE PRETRIAL MOTIONS
REGARDING THE SUFFICIENCY OF THE INDICTMENT
AND A REQUEST FOR CONTINUANCE**

Comes now Defendant Marlon Caldwell, by and through counsel, and respectfully requests this matter be continued from the docket of September 24, 2018 and that leave be granted for filing pretrial motions and in support thereof states the following:

1. This matter is currently set for trial on September 24, 2018. On August 21, 2018, counsel for Defendant received an email from the Office of the United States Attorney which disclosed for the first time that “Anna Moliter, from the City Counselor’s Office, advised that the disclosure of accident reports is not addressed in the orders or employment policies governing the St. Louis Metropolitan Police Department or its officers.”
2. The Superseding Indictment in this matter filed on January 3, 2018 and it sets forth in numerous paragraphs the claim that the St. Louis Metropolitan Police Department has a written policy regarding the disclosure of police reports. According to the Indictment, the alleged written policy determined what

- information was provided, the time within which the information would be provided and the amounts to be paid for the copies of reports containing this information.
3. The Superseding Indictment alleges that the violation of the written policy was the subject and an essential part of the bribery allegations. This information is found in paragraphs nine, ten, eleven, seventeen, twenty, sixty-two, sixty-five, sixty-six and sixty-seven.
 4. In fact, according to the email of August 21, 2018, not only is there not a written policy, the disclosure of accident reports which are the subject of this Indictment is not addressed in orders or employment policies governing the St. Louis Metropolitan Police Department or its officers.
 5. In light of the new information, the Defendant requests leave to file a Motion to Strike the Indictment or in the alternative request a Bill of Particulars and other related motions which would challenge the sufficiency of the Indictment.
 6. The Defendant respectfully requests the matter be continued from the trial date of September 24, 2018 so he can address and prepare for the substantial change in proof and adequately prepare for the trial of this matter.
 7. Such request is not for the purpose of undue delay but in the interest of justice.

WHEREFORE, having fully pled, the Defendant request the Court enter an Order consistent with this request and for such other and further Orders as shall seem just in the premises.

BRUNTRAGER & BILLINGS, PC

/s/ Neil J. Bruntrager
Neil J. Bruntrager #29688
Attorney for Defendant
225 S. Meramec Ave., Ste. 1200
St. Louis, MO 63105
(314) 646-0066
(314) 646-0065-facsimile

Moran & Goldstein, L.C.

/s/ William Goldstein
William C.E. Goldstein
Attorney-at-Law, # 39575MO
230 S. Bemiston, Ste. 1200
St. Louis, MO 63105
(314) 932.2220

Certificate of Service

I hereby certify that on the 31th day of August, 2018 the foregoing **Request For Leave To File Pretrial Motions Regarding The Sufficiency Of The Indictment And A Request For Continuance** was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Neil J. Bruntrager
Neil J. Bruntrager #29688
Attorney for Defendant
225 S. Meramec Ave., Ste. 1200
St. Louis, MO 63105
(314) 646-0066
(314) 646-0065-facsimile